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MAYOR  
**LEONA VIGIL**  
CITY MANAGER



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**FRANK ORTEGA**  
CITY COUNCIL

**CITY OF BELEN**  
**PLANNING & ZONING COMMISSION MEETING**  
**MINUTES**  
**APRIL 29, 2019**

Chairman Steve Ethridge called the regular meeting of the Belen Planning and Zoning Commission meeting to order at 6:00 PM.

**PRESENT:** Chairman Steve Ethridge  
Commissioner Jim Lardner  
Vice Chair Pete Armstrong

**ABSENT:** Commissioner Claudine Montano

**CITY STAFF:** Steven Tomita, Planning & Economic Development Director

**APPROVAL OF THE AGENDA**

Vice Chair Pete Armstrong moved to approve the Agenda of April 29, 2019.

Commissioner Jim Lardner seconded the motion.

Motion carried.

**APPROVAL OF THE MINUTES**

**Minutes of April 8, 2019**-unavailable at this time.

**PUBLIC COMMENT – 3 MINUTE PRESENTATIONS**

There was none.

**PUBLIC HEARING WITH POSSIBLE ACTION**

A. **Swearing in of participants**-all participants were sworn in.

B. **Request for an Amended Conditional Use for a Wine Tasting Room in a C-R Zone located at 114 Becker Ave for the purpose of tasting and selling wine. Agent: Robert C Jaramillo. Legal Description:** Township 5 North, Range 2 East, Section 18, Map 100, Block 25, Lots 19- 20, BTS Addition, aka 114 Becker Ave., Belen NM 87002.

Steven Tomita informed the Commission that this is a review of an existing Conditional Use Permit. He recommended that they come before the Commission before their one year deadline date to request a longer period of time or an indefinite time period. Nothing has changed as to what they are doing, in fact, it is turning out to be fairly successful. They are drawing some really nice clients.

Commissioner Jim Lardner asked if there were any other changes and he presumes they are now storing some of the wines there at the business.

Ms. Barbara Jaramillo said that she is storing about 80 cases of wine at one time and the storage area is double locked. They are open Thursday thru Sunday Noon to 5. They would like expand their hours for the summer. Since the art district is expanding, if there are special art exhibits or something going on down the street, they would like to consider staying open for an additional hour or two.

Vice Chair Pete Armstrong asked if they had to deal with any issues.

Ms. Jaramillo said that they have not had to deal with any issues. They have been doing very well. They have good clientele. They have a lot of people come in from Albuquerque on Saturdays. During the week it is a little slow. They would like to get a billboard up next to I-25 to catch the tours coming in from Arizona and other places. It would be a pretty good draw. They also have a table set up with information on the Harvey House, the Library, and the different museums in the area. Anything that people want to advertise can be brought by and they will add it to what they already have. In July the Art League came to them and asked if they could hold a function at the tasting room. The event was held at the tasting room. She feels that this is a way to bring people in. Pete's has been donating food to the tasting room and they are also serving the wine at their restaurant.

Steven Tomita asked if she thought those hours of operation were sufficient.

Ms. Jaramillo said they were for now. She is going to try adding one more hour during the summer to see what happens.

Vice Chair Pete Armstrong said he would like to suggest, so that they do not have to keep coming back to the Commission, and give them an open window on the hours of operation.

Ms. Jaramillo said that she would appreciate that. With the Art League district area trying to get things going the hours and days may change.

Mr. Jaramillo said that they are trying to show what a tasting room is. It is not a place where it is a happy hour. It is a place to take a few wines and purchase what wines you like.

Vice Chair Pete Armstrong said that he has heard nothing but good things about the tasting room and has not heard of any issues that they have had or issues with the tasting room. He suggested a proposal of the days and times of operations throughout the year.

Ms. Jaramillo said she proposes Wednesday thru Sunday from 11 to 7. That way it gives them a little window to expand if need be.

Commissioner Jim Lardner asked if the Conditional Use could be done for more than a year.

Steven Tomita said that they could make it indefinite. He would recommend that it would only applies to them.

Chairman Steve Ethridge said that this was a public hearing and is open to anybody from the audience to speak if they wish to. There were none. He then asked if the proper steps had been taken to notify the surrounding property owners of this request. All steps were taken.

Commissioner Jim Lardner moved to accept the Conditional Use with the Conditions of the proposed hours and days of operation and that it be an indefinite Conditional Use attached to the tasting room and the Jaramillo's only with the hours being 11 to 8 or longer during special events. The Planning & Zoning department shall be notified of any special events

Vice Chair Pete Armstrong seconded the motion.

Motion carried.

Vote was as follows:

|                           |     |
|---------------------------|-----|
| Vice Chair Pete Armstrong | Yes |
| Commissioner Jim Lardner  | Yes |
| Chairman Steve Ethridge   | Yes |

- B. Request for a Variance for the purpose of converting an existing garage into a studio apartment with a kitchenette, in an A-R Zone. Agent: Martha Ortiz. Legal Description:** Township 5 North, Range 1 East, Section 24, Map 101, Tract 3, Land of Gabaldon & H Tabet, aka 816 Cannon Rd., Belen NM 87002.

Steven Tomita informed the Commission that this originally came to the Planning & Zoning Department to find out if they could convert part of their garage into an apartment for their son. They were informed that it could not be done unless they requested a variance. They filled out the forms and brought all the required paperwork.

Ed Gifford informed the Commission that Ms. Ortiz was unable to attend so he was speaking on her behalf. She would like to convert her garage into a one bedroom apartment for her son. The garage is actually built like a home with two (2) by six (6) 16 on center walls on a two inch concrete slab. There was existing plumbing along with electricity and gas that was part of the original structure. He spoke with the building inspector and was informed that he would need to get with the City Planning & Zoning Department on converting the garage. There is a 20' easement on the west side of the property for access to property behind them. The apartment would have a separate entrance and utilities for this.

Steven Tomita said that he expressed one thing and that was that the applicant that we did not want to see any subleasing of that apartment. If in the future someone would want to do that they would have to come back before the Commission to get permission to do so.

Mr Gifford said that there were no plans on subleasing this apartment out. It was like it was pre-planned for an apartment before Ms. Ortiz purchased the property. They would only be doing interior work. It would have a bathroom and a kitchen along with a bedroom and small den area.

Commissioner Jim Lardner asked if this structure met all setbacks.

Steven Tomita said that it did. The structure is pre-existing.

Commissioner Jim Lardner asked if the water was tied to the existing home.

Mr. Gifford said that the gas is tied to the existing home. All other utilities are also tied to the home.

Vice Chair Pete Armstrong asked if we had received any comments from the neighbors on this request.

Steven Tomita said no.

Chairman Steve Ethridge said that he sees a couple of issues on public safety. One would be the electrical service.

Mr. Gifford said that electrical service is on its own meter and not tied into the home.

Chairman Steve Ethridge said that the gas is another one. If there ever was a fire they would not know where to turn off the service.

Mr. Gifford said that he would check on the gas.

Chairman Steve Ethridge asked if he was going to get all his permitting through CID for the work.

Mr. Gifford said yes. Everything will be done per codes. He will be the general contractor and the plumbing and electrical contractors will pull their own permits.

Commissioner Jim Lardner said it is basically a build out of what is already existing.

Mr. Gifford said yes.

Chairman Steve Ethridge asked if there were any more questions or comments.

Vice Chair Pete Armstrong moved that they approve the request as presented with the condition that it is to be used by the family only and not used as a rental unit with proper permitting.

Commissioner Jim Lardner seconded the motion.

Motion carried.

Vote was as follows:

|                           |     |
|---------------------------|-----|
| Vice Chair Pete Armstrong | Yes |
| Commissioner Jim Lardner  | Yes |
| Chairman Steve Ethridge   | Yes |

**D. An Ordinance of the City of Belen, New Mexico amending the Belen Code of Ordinances Title XV Land Usage, Chapter 15.33.038 erosion Control; Storm Drainage and Stormwater Quality, Section 15.33.001 – 15.33.038, for the purpose of reducing the discharge of pollutants of the “Maximum Extent Possible”, protect water quality, and Safety Clean Water Act requirements; providing for interpretation, severability, and an effective date.**

Steven Tomita informed the Commission that this is an Ordinance that is mandated by the Federal Government. 15.33.003 quickly outlines what we are responsible for and what we have to control. Belen and Valencia County are getting off fairly easy is because mainly it is sediment and fecal matter that cannot be dumped into the rivers. Many other communities are allowing all sediment to run into the river. Now those communities are having to install drainage systems and separator's to get that done. The Ordinance has been two years in the making and it is in conjunction with the State of New Mexico Environmental Department, plus the other communities in Valencia County. Each of these Communities collectively put this draft Ordinance together. The Planning & Zoning Commission has to review it and recommend adoption by the City Council.

Commissioner Jim Lardner asked how different this Ordinance is from the one that is already in existence.

Steven Tomita said there is a substantial difference. It is not allowing any sedimentation from any lot that is developed into the drainage system.

Vice Chair Pete Armstrong said the thing that crosses his mind is where was this when some land up by the airport was developed and it created a huge ponding area.

Steven Tomita said the Ordinance was not in place.

Vice Chair Pete Armstrong said that the Ordinance is pretty reasonable. The one area that it doesn't really speak of was any kind of ponding and standing water in conjunction with bugs like mosquitoes, etc.

Chairman Steve Ethridge said that it does address this when it required ponding to drain within 96 hours.

Steven Tomita said that may be a problem in our area due to the water table level. You are going to see more ponds in the area because any development has to retain runoff on the property being developed.

Vice Chair Pete Armstrong asked who the City engineer was.

Steven Tomita said the City has a contract engineer.

Commissioner Jim Lardner moved to approve the legislation that is being forced upon us and move this to the City Council for final approval.

Vice Chair Pete Armstrong seconded the motion.

Motion carried.

Vote was as follows:

|                           |     |
|---------------------------|-----|
| Vice Chair Pete Armstrong | Yes |
| Commissioner Jim Lardner  | Yes |
| Chairman Steve Ethridge   | Yes |

### **INFORMATIONAL ITEMS**

#### **Communication from the Commission and Staff.**

Steven Tomita said that Circle K is still waiting on the Environmental Discharge Permit. They need this permit in order to put in the fuel tanks.

Vice Chair Pete Armstrong said that when they put in the new storm drains, in the Chavez area, water was pumped for weeks to take the water level down to an acceptable level. Subsequently, through the years his house had settled due to the extraction of those water levels. He wanted to know if there was some recourse that property owners have that are around the areas that are being drained.

Steven Tomita said that is a hard one to answer. You really don't know how big of an area I being drained. You can see where they are taking it from but what of the area around that.

Commissioner Jim Lardner asked if there was any kind of contamination on the property where Circle K is going.

Steven Tomita said that extensive testing has been done to that property and it already had monitoring wells on it. Some of the MRGCD canal's help to control the water table. We have been getting a lot of interest in our area. Some are very substantial.

A discussion followed about the negative attitude of the citizens of Belen and how they can change it if possible. Sending out a newsletter with the water bill was talked about. Putting things on Facebook was also talked about.

Steven Tomita said that he will be going before the Council to present two planning grants. One is for the Comprehensive Plan update and the other one is to develop an Economic Development Plan. If he gets the Council approval he will submit them to the State for possible funding. He is also going to present request for the possible funding for the North Interchange design.

Commissioner Jim Lardner informed the Commission that he will not be able to attend the next Commission meeting due to attending his sons' college graduation. His other son has been put up for an award for a traffic control save. The Airforce has only given out 3 of these awards in the last 10 years. His daughter will graduate on the 22<sup>nd</sup>.

Chairman Steve Ethridge commented on the De La Riena Subdivision. He has seen more work going on up there and is glad to see it. He said that the Commission needs one Commissioner.

**ADJOURN**

There being no further business to come before the City of Belen Planning & Zoning Commission, Commissioner Jim Lardner moved to adjourn.


Vice Chair Pete Armstrong seconded the motion

Motion carried.

The regular meeting of the City of Belen Planning & Zoning Commission adjourned at 7:12 PM.

  
Chairman Steve Ethridge

ATTEST:

  
Steven Tomita, Planning & Economic Development Director